

SENATE BILL NO. 156

BY SENATORS MURRAY AND MORRELL

1 AN ACT

2 To enact Children's Code Article 905.1, relative to children committed to the Department
3 of Public Safety and Corrections; to provide for an assessment of academic grade
4 level; to provide for creation of an academic plan; to provide for submission of the
5 academic plan and reports to the court; to provide certain procedures, terms and
6 conditions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 905.1 is hereby enacted to read as follows:

9 Art. 905.1. Academic plan for children committed to the Department of Public
10 Safety and Corrections

11 A. When a child is assigned to the secure custody of the Department of
12 Public Safety and Corrections following an adjudication of delinquency, the
13 department shall assess the child's academic grade level using a research-based
14 diagnostic tool within thirty days of the child's admission to a secure care
15 facility.

16 B. The department shall develop a written academic plan for the child
17 based upon all of the following criteria for each individual child:

18 (1) Grade level diagnostic test results.

19 (2) Past academic performance.

20 (3) The individualized education plan or individualized learning plan, as
21 applicable.

22 (4) The length of time the child will be in the department's secure
23 custody.

24 C. If the child tests at grade level or above, the individualized education
25 plan or individualized learning plan shall be structured to allow the child to
26 timely prepare for or earn a high school diploma, General Educational
27 Development Certification or certificate of achievement from the Special School

1 District, during the period the child is in the department's secure custody.

2 D. If the child tests below grade level, the individualized education plan
3 or individualized learning plan shall be structured, depending on the child's
4 abilities, to bring the child's academic performance up to grade level or as
5 reasonably close thereto as possible, during the period the child is in the
6 department's secure custody.

7 E. The department shall submit the individualized education plan or
8 individualized learning plan to the court within forty-five days of the child's
9 admission to the secure care facility and a copy shall be provided to the parents
10 or guardian of the child, the district attorney, and counsel for the child at the
11 time it is submitted to the court.

12 F. A report on the child's academic progress shall be included in the
13 department's quarterly report to the court.

14 G. Upon discharge from the department's custody, a copy of the child's
15 academic plan and all progress reports shall be provided to the child's parents
16 or guardian. The department shall provide this information to the school or
17 academic program in which the child is thereafter enrolled upon written
18 request.

19 Section 2. The legislature finds the following:

20 (A)(1) The Louisiana Office of Juvenile Justice, hereinafter referred to in this
21 Section as "OJJ", operates secure care facilities for youth adjudicated delinquent and placed
22 in its custody for secure care by a court. There are three facilities for males and one for
23 females. There is an alternative school at each facility.

24 (2) R.S. 17:100.1 provides that an alternative school located in a secure care facility
25 is a public school and, as such, it is included by the State Board of Elementary and
26 Secondary Education in the formula used to determine the cost of the Minimum Foundation
27 Program in all public elementary and secondary schools.

28 (3) OJJ receives one hundred percent of the Minimum Foundation Program funding
29 for each student in its care. Approximately three hundred students per year attend the
30 alternative schools at OJJ facilities.

1 (4) According to statistics compiled by the National Assessment of Adult Literacy
2 (NAAL), nearly eighty-five percent of American youth in the juvenile court system are
3 functionally illiterate and more than seventy percent of adult prison inmates cannot read
4 above a fourth-grade level.

5 (5) Improved literacy among youth in OJJ custody will provide a foundation for
6 these young people's future success and reduce juvenile delinquency recidivism rates.

7 (B) Therefore, it is the public policy of Louisiana that education is one of the most
8 important aspects of delinquency rehabilitation and that improving reading skills is of the
9 highest priority for the juvenile justice system.

10 (C) The purpose of this Act is to implement the policy stated in Subsection (B) of
11 this Section by providing a uniform system of measurement, accountability, and
12 transparency regarding the academic progress of incarcerated youth to their parents, the
13 courts, and to the public.

14 Section 3. This Act shall become effective upon signature of the governor or, if not
15 signed by the governor, upon expiration of the time for bills to become law without signature
16 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
17 vetoed by the governor and subsequently approved by the legislature, this Act shall become
18 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____